

# PUBLIC HEALTH REPORT

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## The Court's Decision on Alcoholism

IN EARLY 1966 two United States Courts of Appeal handed down decisions holding that a chronic alcoholic may not be convicted for his public intoxication.<sup>1</sup> When this same issue was considered by the United States Supreme Court it was generally anticipated that the Supreme Court's decision would follow that of the lower courts. However, the court ruled in a five to four decision that chronic alcoholism was not a valid defense against a charge of public drunkenness.<sup>2</sup>

The chief counsel for the defense identified the key to the decision as being based on the court's feeling that there were not enough solid facts to support the disease concept. He went on to say that the physicians' charge for the future is to supply those facts. Much more must be known about what causes alcoholism and how to treat it.

The court decision drew criticism from two American Medical Association officials. Dr. Marvin Block of the AMA Committee on Alcoholism and Drug Abuse recalled that since 1956 organized medicine has defined alcoholism as an "illness that requires and deserves medical treatment."<sup>3</sup> He pointed out that alcoholics can be treated by a variety of programs that have proven extremely successful.

Another spokesman, Dr. Dana Farnsworth of Harvard, chairman of the AMA Council on Mental Health, said that careful reading of the court's edicts "foretells an opposite opinion within a few

years."<sup>3</sup> He suggests that the tone of the rulings puts physicians on notice that they must work out improved methods for caring for alcoholics now. He identified the need to involve physicians both in private practice and in public health agencies.

While medical officials of the AMA expressed their disappointment in the Supreme Court decision, some of the mass media tended to be critical of the organized medical profession for the "failure" of the Supreme Court to act as had been anticipated. One editorial said that "most physicians will not treat alcoholics and most hospitals do not recognize alcoholism as a certifiable admitting disease."

"The states and local communities" the editorial continued, "are going to have to face the facts realistically that jail is not the answer — and that right treatment will cost money. The programs must be developed. The Supreme Court hinted this is why it did not abolish the drunk tank. There is nothing to replace it. But ordinary decency insists there should be. The AMA should lead the way."<sup>4</sup>

Before the Supreme Court announced its decision the Committee on Alcoholism of the California Medical Association was developing plans for regional training programs on the medical management of acute alcoholism. Now it can be hoped that the CMA will promote a public policy clearly indicating that alcoholism is a major medical problem and not one to be handled by punitive methods.

A leadership role is also required of the California Hospital Association, which is at present in the process of considering a policy statement on alcoholism, similar to that of the American Hospital Association's statement on the admission of alcoholic patients to general hospitals. This policy recommends that the "primary point of at-

tack [on alcoholism] should be through the general hospital. Because of the completeness of its facilities and of its accessibility, it is the logical place where an alcoholic or his family would turn.”<sup>5</sup> It must be recognized, however, that while hospital policy opens the hospital door to patients with alcoholism, the care of individual patients is the responsibility of the attending physician.

This offers a challenge to physicians, both individually and collectively, to guide and assist in

educating the general public that alcoholism is a medical condition requiring treatment by a physician instead of punishment in jail.

#### REFERENCES

1. *Easter vs. District of Columbia*, 361 F 2d 50 (D.C. cir. 1966) (en banc); *Driver vs. Hermont*, 356 F 2d 761 (4th cir. 1966).
2. *Powell vs. Texas*, U.S. Supreme Court, 17 June 1968.
3. AMA Deplores Rule on Alcoholics, *San Francisco Chronicle*, 19 June 1968.
4. *The Sacramento Bee* Editorial Page, 26 June 1968.
5. Statement on the Admission of Alcoholic Patients to the General Hospital—Approved by the American Hospital Association, 29 Sept. to 2 Oct. 1957.